

1645

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PTO/SB/83 (06-03)  
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	09/910,126
Filing Date	July 23, 2001
First Named Inventor	Padma S. Bagaria
Art Unit	1645
Examiner Name	
Attorney Docket Number	

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are: see attached.

APPROVED

*William H. ...*  
9/16/03, TC/1600  
10/17/03

### CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.  
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Padma S. Bagaria				
Address					
Address	6520 Platt Avenue, #220				
City	West Hills	State	CA	Zip	91308
Country	U.S.A.				
Telephone	email: Pbagaria@abacususa.net		Fax		

- ☒ This request is made on behalf of myself and  
☒ all the attorneys/agents of record.  
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or  
☐ the attorneys/agents associated with Customer Number

This request is enclosed in triplicate (including any attachments).

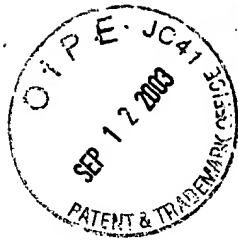
Name	Timothy T. Tyson		
Signature	<i>Timothy T. Tyson</i>	Registration No.	28,915
Date	September 6, 2003		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Practitioner's Docket No. \_\_\_\_\_

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Padma S. Bagaria

Application No.: 0 9/910,126

Group No.: 1645

Filed: July 23, 2001

Examiner:

For: Test Device for Detecting Human Blood and Method of Use

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TECH CENTER 1600/2900

**Assistant Commissioner for Patents****Washington, D.C. 20231****ATTENTION: Director, Group** 1645**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))**

*NOTE: If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 7th ed.*

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the  
XXXXXX  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.  
P.O. Box 1450  
Alexandria, VA 22313-1450

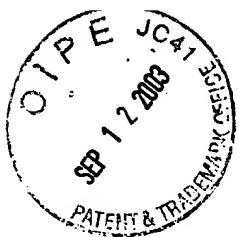
Date: September 6, 2003**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Timothy T. Tyson

(type or print name of person certifying)



## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in Item 4A(iii) below is a continuing application signed only by an attorney named below under

☐ 37 C.F.R. § 1.60(b),

☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

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### LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☒ Inventor(s)

☐ assignee of the entire interest

is 6520 Platt Avenue, #220

West Hills, CA 91308

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(s) (1)(iv) and (1)(v)

Explanation (including brief description of exhibits, if any):

37 CFR 10.40 (c) (1) (iv) - Applicant is impossible to contact except by mail and e-mail. And then contact is only at Applicant's convenience which may be days or weeks later. Applicant said she resides at the given address but she does not. It is a box in a private commercial mail facility. So it is impossible to find her at her given residence address. In another application, application serial number 09/776,493, Applicant insists on second guessing everything that we do. She sends long written explanations and complaints that are no help. It takes hours to respond to the written messages which only elicits additional long explanations and complaints. Applicant has explained in writing that she does not like anything we are doing.

37 CFR 10.40 (c) (1) (v) - When a restriction requirement was made in application serial number 09/776,493, Applicant demanded that a traverse be made despite our advice. We made the traverse and it failed. When the patent examiner indicated that there was allowable subject matter in application serial number 09/776,493, we prepared an Amendment accepting the allowable subject matter and requested a retainer of \$500 if that were a satisfactory response or a retainer of \$1200 if Applicant wanted us to also argue about the single remaining claim. Applicant countered by sending a check for \$500 and later demanding that we also make an Argument regarding all the claims including those that had not been elected. Upon further review, we decided that the best course of action was to file the Amendment accepting the allowable subject matter and pursue any other claims in a divisional application. When this was conveyed to Applicant, she did not understand and insisted that we still argue about the other claims. Upon a third review, we continued to feel that the best course of action was to file the Amendment accepting the allowable subject matter and pursue any other claims in a divisional application. No response to this was made prior to the filing of the Amendment and paying a one month extension fee despite the sending of three e-mails. After the Amendment was filed, Applicant sent a ten page e-mail that she wanted us to make a full argument.

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (if any)

- (i) ☒ There is no outstanding term for response.
- (ii) ☐ There is an outstanding term for response that is set to expire on \_\_\_\_\_  
The above term is extendible under 37 C.F.R. § 1.136(a), until \_\_\_\_\_ and the fees for such extension
- ☐ are
- ☐ are not
- being submitted herewith.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

- ☐ at least \_\_\_\_\_
- ☒ cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. § 10.40(a).

## NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies. . ." Notice of September 3, 1985 (1058 O.G. 32).

- 6a. In accordance with 37 CFR 10.40 (a), all papers and property to which the client is entitled have been delivered to her.

(Request for Withdrawal as Attorney [12-5]—page 4 of 6)

**7. Related Applications for Which Withdrawal is Requested**

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☒ inventor:  
☐ assignee:  
☐ common representative:

<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
09 / 776,493 filed 2/3/01	1641	separate request filed
/		
/		

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed., rev. 3.

**8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)**

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)



Signature of withdrawing attorney  
(practitioner)

Timothy T. Tyson, Reg. No. 28,915

(type or print name of withdrawing  
attorney (practitioner) and registration number)

Leon D. Rosen, Reg. No. 21,077

Ted Masters, Reg. No. 36,209

Reg. No.: 28,915

Tel. No.: ( 310 ) 477-0578

Customer No.: 31335

  
SIGNATURE OF PRACTITIONER

Timothy T. Tyson  
*(type or print name of practitioner)*

Freilich, Hornbaker & Rosen  
P.O. Address

10960 Wilshire Boulevard, Suite 1220  
Los Angeles, CA 90024

(Request for Withdrawal as Attorney [12-5]—page 6 of 6)



LAW OFFICES

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PATENTS, TRADEMARKS & RELATED INTELLECTUAL PROPERTY MATTERS

September 6, 2003

Mrs. Padma S. Bagaria  
Abacus Diagnostics, Inc.  
6520 Platt Avenue, #220  
West Hills, CA 91307

Re: U.S. Utility Patent Application titled  
TEST DEVICE FOR DETECTING SEMEN AND METHOD OF USE  
Application Number 09/776,493, Filing date 02/03/2001

U.S. Utility Patent Application titled  
TEST DEVICE FOR DETECTING HUMAN BLOOD AND METHOD OF USE  
Application Number 09/910,126, Filing date 07/23/2001

Dear Mrs. Bagaria:

Enclosed are copies of Requests For Withdrawal As Attorney  
which have been filed with the Patent Office in both of your above  
identified applications.

Complete copies of both of your files are enclosed so you can  
take them to another patent practitioner.

Sincerely,

Timothy T. Tyson